

APR 11 1994

LUKAS, MCGOWAN, NACE & GUTIERREZ

CHARTERED

1819 H STREET, N.W.

SEVENTH FLOOR

WASHINGTON, D.C. 20006

RUSSELL D. LUKAS
GERALD S. MCGOWAN
DAVID L. NACE
THOMAS GUTIERREZ
ELIZABETH R. SACHS
GEORGE L. LYON, JR
PAMELA L. GIST
DAVID A. LAFURIA
TERRY J. ROMINE
MARCI E. GREENSTEIN+
BOB J. GOLDBERG
J. JUSTIN MCCLURE++
MARILYN I. SUCHECKI+++

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April 8, 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

CONSULTING ENGINEERS
THOMAS G. ADCOCK, P.E.
MEHRAN NAZARI
ALI KUZEHKANANI
JAMES R. LANDOLL, P.E.
LEROY A. ADAM
FARID SEYEDVOSOGHI

(202) 857-3500

TELECOPIER
(202) 842-4485

WRITER'S DIRECT DIAL
(202) 828-9479

Hon. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

Re: Mobile Telecommunication Technologies Corp.
Petition for Rulemaking to Amend Rule Section 22.521
to include Eureka, California in the Table of
Assignments for Air-Ground Stations in the PLMS

Attn: Andy Nachby
Room 644

Dear Mr. Caton:

On behalf of Mobile Telecommunication Technologies Corp.,
please find enclosed for filing an original and four (4) copies of
its above referenced Petition for Rulemaking.

Should any questions arise with respect to this matter, please
contact undersigned counsel directly.

Sincerely yours,

J. Justin McClure
Thomas Gutierrez
J. Justin McClure

JM:cms
Enclosure

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APR 11 1994

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Section 22.521(b) of the)
Commission's Rules to include Eureka,) RM No. _____
California, in the table of assignments)
for air-ground stations in the Public)
Land Mobile Service)

PETITION FOR RULEMAKING

Mobile Telecommunication Technologies Corp. ("Mtel"), by its attorneys, hereby petitions the Commission to modify Part 22 of its rules to allocate UHF spectrum for air-ground service at Eureka, California. In support of this request, Mtel submits the following:

I. Introduction

In 1969 the Commission established an integrated air-ground radiotelephone service interconnected with the public switched telephone network operating under Part 22 of the rules.^{1/} See Air-Ground Service, 22 FCC 2d 716 (1969). Under the Commission's existing regulatory framework, Section 22.521(a) of the Commission's Rules allocates twelve base station frequencies for assignment to Land Mobile Radio stations for the purpose of providing communications service to airborne stations. Section 22.521(a) also allocates 12 frequencies for mobile and auxiliary test station use. Section 22.521(b) allocates from one to four of

^{1/} This service is distinct and separate from the nationwide 800 MHz air-ground service available on commercial flights.

the base frequencies to specific geographic locations. That subsection requires that base stations operating on these frequencies be within 25 miles of the coordinates of the location specified.

Eureka is not among the locations listed in Section 22.521(b), nor is it within 25 miles of any of the locations so specified. As a result, air-ground service is not presently available in this community. Yet, as set forth below, there is a true need for such service and the service can be provided without risking interference to presently authorized facilities, and without otherwise being inconsistent with the Commission's rules.

II. The Need For Service

Eureka is the principal municipality within the metropolitan area having the same name and a 1990 population of 27,025. It is a center of commercial activity as well as the location of significant general aviation activity. Eureka is a major metropolitan area connecting San Francisco, California and points south with Portland, Oregon, and points north. Thus, this community is a center of commerce, as well as being located on a primary flight route separating other hub cities on the west coast.

III. Proposed Amendment

Notwithstanding the clear need for service, there are no authorized air-ground stations within 90 miles of Eureka. In order to cure this shortcoming, Mtel proposes that Section 22.521(b) be amended to add the following:

<u>Location</u>	<u>Channel</u>
California	
Eureka	9

This amendment would allow an air-ground station to be operated, after proper authorization, on the working frequency of 454.825 MHz (Channel 9) and 454.675 (the nationwide signalling channel) within 25 miles of Eureka.

Petitioner has selected Channel 9 for the proposed amendment to afford maximum co-channel separation from all other air-ground stations allocated by Section 22.521(b). Significantly, the closest co-channel facility to Eureka is located 480 miles away in Seattle, Washington. This degree of separation has already been found to be more than sufficient to warrant allocation of additional air-ground facilities.^{2/} Modification of the Table of Assignments as set forth herein would also be consistent with other Commission action where it has held that there is a need for quality air-ground communications in cities not currently being served. See, e.g., Air-Ground Radiotelephone Service (Table of Assignments), 6 FCC Rcd 1863 (1991), where the Commission allocated spectrum for air ground service in Fort Myers, Florida; Wilmington, North Carolina; and Columbia, Missouri.

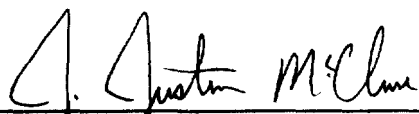
^{2/} See, e.g., Report and Order allocating spectrum for air-ground service in Mobile, Alabama in Docket No. 84-1295, 50 FR 23125 (effective July 1, 1985).

IV. Conclusion

In view of the above, Mtel submits that revision of the Commission's rules to allocate spectrum for air-ground at Eureka, California would serve the public interest, convenience and necessity. Accordingly, Mtel respectfully petitions the Commission to modify its rules in accordance with the proposal set forth above.

Respectfully submitted,

**MOBILE TELECOMMUNICATION
TECHNOLOGIES CORP.**

By: 
Thomas Gutierrez
J. Justin McClure

Its Attorneys

Lukas, McGowan, Nace &
Gutierrez, Chartered
1819 H Street, N.W., 7th Floor
Washington, D.C. 20006
(202) 857-3500

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